EX PARTE OR LATE FILED

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial (202) 828-2290
E-Mail Address FarberJ@dsmo com

May 12, 2004

ORIGINAL

By Hand

Marlene H Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N E.
Suite 110
Washington, D C 20002

RECEIVED

MAY 1 2 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation
IB Docket No. 00-248

Dear Ms. Dortch:

Aloha Networks, Inc. ("Aloha Networks") hereby responds to the March 23, 2004 ex parte presentation filed by the Satellite Industry Association ("SIA") in the above-referenced proceeding (the "SIA Ex Parte").

The SIA Ex Parte continues to urge the Commission to address adjacent satellite interference ("ASI") through technical rules that are both unnecessarily burdensome and too narrowly-focused. In SIA's view, VSAT applicants should be required to show that their interfering signals will be kept at an acceptable level by demonstrating compliance with the antenna gain envelopes set out in SIA's proposed Section 25 209 If the VSAT applicant cannot demonstrate such compliance, then the applicant must coordinate with all adjacent satellite operators within 6°. See SIA Ex Parte at 2; SIA Comments, IB Docket No. 00-248 (March 10, 2003), Appendix B, at 17 (SIA's proposed Section 25.220(d)(1)) ("SIA Comments"). Alternatively, for antennas operating in the 14 GHz band, SIA would permit applicants with nonconforming antennas to present a technical showing demonstrating that the "required maximum pointing accuracy will be met during antenna installation." See SIA Comments, Appendix B, at 17 (SIA's proposed Section 25.220(d)(2)); SIA Ex Parte, Annex (SIA's proposed technical showing requirements).

SIA's approach would impose an unnecessary burden on VSAT applicants because it would require coordination for certain cases where the antenna gain is outside of SIA's proposed envelope, regardless of whether other factors would ensure acceptable levels of ASI. For example, under SIA's proposed Section 25.220(a)(1), coordination or a showing of pointing accuracy would be required for nonconforming antennas regardless of the proposed transmit power density levels. See SIA Comments, Appendix B, at 16 (SIA's proposed Section 25.220(a)(1)). As a result, low power spectral density users generating tolerable levels of ASI would nevertheless be forced in many instances to pursue coordination with adjacent satellite operators. Coordination is a usually time-consuming and expensive process because network operators generally do not have business arrangements with network operators in adjacent satellites. Coordination should not be required except where necessary.

SIA's proposed technical showing regarding pointing accuracy would be insufficient to prevent ASI problems. While SIA's proposed pointing verification methods may ensure tolerable ASI levels at the time of installation, they do not address movement of the antenna after installation or methods to monitor such movement. Thus, SIA's proposal cannot ensure that ASI levels will not increase over time as wind and other factors shift the antenna. Indeed, SIA's proposal to require operators of low power spectral density transmitters with non-conforming antennas to seek coordination is an implicit acknowledgment that ensuring initial pointing accuracy is insufficient to ensure acceptable levels of ASI over the life of the transmitter.

There is no need for the restrictive approach advocated by SIA. Rather than focusing on antenna gain envelopes, the touchstone should simply be whether ASI is maintained at a tolerable level after consideration of factors that contribute to the power spectral density directed toward an adjacent satellite, such as antenna gain patterns, antenna pointing, antenna input power spectral density, and statistics concerning multiple simultaneous users of the satellite channel.

Aloha Networks has proposed revisions to Section 25.134(a)(1) of the Commission's rules that conform with the foregoing approach. See Letter from Lewis J. Paper, Attorney for Aloha Networks, to Thomas S. Tycz, Chief, Satellite Division, IB Docket No. 00-248 (Feb. 3, 2004), Attachment. As an example, the statistical limits of simultaneous transmissions proposed by Aloha Networks (10ms collisions 1% of the time or 100ms collisions 0.1% of the time) allow a more tolerable disruption of the satellite channel then the limit proposed by SIA (100ms collisions 1% of the time). Aloha Network's proposal thus ensures ASI is confined to acceptable levels while providing VSAT network operators with the flexibility to approach ASI in a cost-effective and less-burdensome manner.

If the staff has any questions concerning this matter, the undersigned counsel should be contacted.

Sincerely,

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
Attorneys for Aloha Networks, Inc.

By: _____
Jacob S Farber

cc: Roderick K. Porter (by hand)
Thomas S. Tycz (by hand)
Steven Spaeth (by hand)
John Martin (by hand)
Andrea Kelly (by hand)
Robert Nelson (by hand)
William Howden (by hand)
Gene Cacciamani
Steve Hester
John Lane
Lew Paper